

DOVER CODE

SITE REVIEW REGULATIONS

CHAPTER 149

[As adopted by the Planning Board 05-24-88]

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**ARTICLE I
PURPOSE AND SCOPE**

- 149-1. Title.**

This chapter shall be known and may be cited as the "Site Review Regulations of the City of Dover."

149-2. Legislative Authority.

These regulations are adopted by the Dover Planning Board pursuant to the authority granted by the New Hampshire RSA 674:43, as amended, and by Chapter 41, entitled Planning Board, of the Code of the City of Dover, 1983.

149-3. Legislative intent.

The site plan review process recognizes that certain types of development and uses, even though generally suitable for a particular zoning district, may adversely affect the City's vested interests and the health, safety and general welfare of the public unless careful consideration is given to certain critical design elements. It is the intent of this chapter to provide a vehicle for review of the nature, size, and impacts of proposed developments and changes of use.

149-4. Applicability. [Amended per Planning Board 04-23-91]

Prior to the issuance of a building permit by the Building Inspector, the owner or his/her authorized agent shall apply for and secure site review approval. This approval shall be in accordance with the rules and regulations contained herein for the following development types:

- A. New construction. Site Review will be required for development of land for:
 - (1) Non-residential uses;
 - (2) Multi-family dwellings of five (5) or more units; and;
 - (3) Pavement of parking areas consisting of ten (10) or more spaces.
- B. Expansions and/or additions. Site review will be required for the following expansion and/or additions to existing development:
 - (1) Any increase of nonresidential development resulting in an expansion of gross floor area exceeding 2500 sq. ft.
 - (2) Any addition to a residential structure resulting in the creation of five (5) or more additional units.
 - (3) Any accessory structures with floor areas exceeding 1500 sq. ft.

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- (4) Any expansion of a paved parking area creating an additional ten (10) or more parking spaces.
- (5) Notwithstanding the above criteria, the Technical Review Committee by majority vote, may require any project which has a significant projected impact on traffic, health, welfare, and safety issues to appear before the Planning Board for Site Review.

C. Change of Use of Existing Structures. Site review will be required for a change in conforming use with a new use allowed in the zoning district in which the tract or structure is located. For the purposes of this subsection, the definition of a new use shall not include any uses which have previously existed on the site since the adoption of the Dover Zoning Ordinance (July, 1948). The following criteria constitutes a change in use:

- (1) Development which causes a residential structure to be converted resulting in an increase of five (5) or more units.
- (2) Proposals that would change the use of an existing structure containing 25,000 sq. ft. or more of gross floor space. The proposed square footage shall be measured around the inside perimeter of the space to be changed, including all floors of a multi-floor structure. In the event that an existing structure is being subdivided and the new use in only a section of the new space is known, the entire original space must be considered in the calculation.
- (3) Any proposal which, in the judgement of the Technical Review Committee, has the potential for having a significant impact on the health, safety and welfare of the community.

149-5. Interpretation.

The standards contained in this Chapter shall be interpreted as minimum requirements. Projects subject to new construction, or change of Use of existing structures, must meet all requirements of the Code of the city of Dover as expressed in these regulations, Subdivision Regulations, Zoning Ordinance, and Building and Life Safety Codes. Compliance with said minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis. Only after the Planning Board is fully satisfied that a proposed application is in the best interests of the City will the application be approved.

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**ARTICLE II
APPLICATION PROCEDURE**

149-6. Application Requirements.

- A. Prior to the formal submission of an application for site review, the applicant shall meet with the Site Review Screening Committee. Said meeting(s) shall serve to assist the applicant in preparing a development proposal that is technically conforming to the regulations contained therein.

The Site Review Screening committee shall be comprised of the Planning Board Chairperson, who shall act as chairperson, the Director of Public Works, City Engineer, Fire Chief, Police Chief, Building Inspector, Economic Director and Planning Director who shall serve as secretary. All Committee members shall have a designated alternate available in their absence.

- B. A completed application sufficient to invoke jurisdiction of the Planning Board shall include the following elements:
- (1) A completed application form, available at the Planning Board Office.
 - (2) A completed site review checkoff list.
 - (3) A written narrative description of the proposed project addressing its purpose, scope of operation, and impact on the immediate area of influence and the city in general (traffic, schools, utilities, land use compatibility, aesthetics, land and water resources, etc.).
 - (4) Ground/aerial photographs of the site and immediate area, when requested.
 - (5) Twelve (12) copies of the site development plan as more fully described in Article IV of this chapter.
 - (6) A list of abutting property owners that lie within two hundred (200) feet of the subject parcel. Information shall include name, mailing address, and Dover Tax Map and Lot Numbers.
 - (7) Be accompanied by a fee of an amount to be determined in accordance with the fee schedule contained in 149-16 of this chapter.
- C. The applicant shall file the application with the Planning Board Office at least twenty (20) days prior to the Planning Board meeting at which time the application will be accepted and a public hearing held.

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- (1) The applicant and abutters shall be notified of said public hearing by certified mail, with return receipt requested, stating the time, date and place of such hearing. Notice will be mailed at least ten (10) days prior to the date of the meeting.

- (2) Such public hearing shall be advertised in a newspaper of general distribution not less than ten (10) days prior to the said meeting.

149-7. Planning Board Action.

- A. The Planning Board shall take no action on an applicant's development proposal until it has received a report from the Site Review Screening committee evaluating said proposal.

- B. The Planning Board shall act to approve or disapprove within ninety (90) days after formal acceptance of the application.

- C. The Planning Board may petition the City Council for an extension not to exceed an additional ninety (90) days before taking any formal action from the date of official hearing closure, otherwise such application shall be deemed to have been approved and shall be so certified by the City Clerk.

- D. The Planning Board may request technical assistance from experts in any field in making a proper determination of the physical, social, economic, and environmental or other impact of a proposed development on the community. In the event that said technical assistance would require remuneration, the applicant shall be responsible for such costs.

- E. The Planning Board shall, as deemed necessary, place conditions on such approval, including the posting of a performance bond or escrow agreement as specified in 149-11 of this chapter.

- F. The action of the Planning Board shall be recorded in writing and shall be transmitted to the applicant, stating the reasons for approval, approval with modification, or disapproval. Such correspondence shall specify, where appropriate, those aspects in which the site review application fails to conform to the City's ordinances or to other essential planning criteria, as determined by the Planning Board in accordance with 149-5 of these regulations.

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- G. The Planning Board may grant preliminary site review approval, however, said approval shall not qualify the applicant to receive a building permit for the construction of said project. Said approval shall remain in effect for a period not to exceed one (1) year. In the event a development is being constructed in phases, the applicant may, by prior written agreement with the Planning Board, receive a preliminary site approval for a period not to exceed two (2) years.

149-8. Certification.

- A. The applicant shall submit to the Planning Department a mylar and five (5) copies of the final site development plan for Planning Board Chairman's signature within sixty (60) days of receipt of final site plan approval by the Planning Board. The Planning Board may extend the submittal period if circumstances arise beyond the control of the applicant. **[Amended per Planning Board 09-11-90, amended per Planning Board 09-28-93]**
- B. The final site development plan shall be clearly and legibly reproduced via black or blue print lines.
- C. Where an applicant is required by the Planning Board as a condition of its' approval, to file a performance bond or escrow agreement, it shall be posted prior to the start of construction of any improvement or the issuance of a building permit. Such bond or escrow agreement shall be executed on forms provided by the Planning Board office and shall be certified as to its sufficiency by the City Attorney.

149-9. Expiration of Planning Board Approval. **[Amended per Planning Board 11-15-91; amended per Planning Board 06-13-95]**

- A. Planning Board approval shall be valid for four (4) years from the date of said approval. If a building permit has not been issued within such time constraints, then said approval shall be considered null and void, except as provided below.
- B. The Planning Board may grant time extensions, not to exceed one (1) year each. The applicant shall appear before the Planning Board and document that the following criteria are met:
 - (1) The proposed project is consistent with the City Master Plan.

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- (2) Surrounding conditions (i.e., traffic flow, school capacity, water/sewer demand) have not changed to the point of requiring reanalyzing of the proposed project.
- (3) The proposed project complies with current City, State and Federal regulations, ordinances and statutes.
- (4) Notification of abutters shall be required of all first time extension requests. Said notification shall be by certified mail and shall be at the expense of the applicant.

**ARTICLE III
REQUIRED AGREEMENTS**

149-10. Construction of improvements; certificate of occupancy.

- A. All site improvements shall be constructed and/or installed within a period of time mutually agreed upon by the applicant and the Planning Board, unless such time is extended by written mutual consent of the Planning Board and the applicant. Such improvements shall not be considered complete until officially approved by the City Engineer, Planning Director, Fire Chief, Police Chief and Director of Public Works or accepted by the City Council, as appropriate.
- B. Building certificates of occupancy, temporary or final, shall be issued by the Building Inspector for all development activities only upon the receipt of a written memorandum from the appropriate department head certifying the adequacy of all required improvements servicing the subject parcel.

The Building Inspector has the authority to require an escrow account or irrevocable letter of credit.

- (1) A temporary certificate of occupancy (good for up to six (6) months) may be issued, provided that all required roads and utilities servicing the subject parcel have been constructed and/or installed to such an improved condition as to provide the basic services of snow removal, rubbish collection, fire, police protection and the like.
- (2) A final certificate of occupancy shall be issued, provided that all required roads and utilities servicing the subject parcel have been constructed and/or installed in accordance with city specifications.

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- C. Construction activities and storage of building materials shall only be carried on in such a manner and at such times that render said activities not unduly objectionable to adjacent properties.

149-11. Performance guaranties.

- A. Where the Planning Board requires the posting of a performance bond or escrow agreement to secure for the City the satisfactory construction and installation of required site improvements, said surety shall be in an amount determined by the City Engineer.
- B. Construction and installation of required improvements must be satisfactorily executed within the imposed time constraints, or the applicant shall forfeit said surety, and it shall be used to complete and/or install said improvements in accordance with city specifications.

149-12. Inspections.

All required site improvements shall be subject to investigation by an approval of the Director of Public Works and the City Engineer, as appropriate, who shall be notified by the developer at least seventy-two (72) hours prior to the start of construction. Inspections will be conducted by said officials or their designees. No underground installation shall be covered until inspected by the appropriate city department. Any improvements covered without inspection will be considered not accepted. All fees and costs connected with inspection for the review of plans, construction and specifications shall be paid for by the developer at a rate of 1.5 times payroll costs for all time in excess of three hours.

**ARTICLE IV
SITE DESIGN AND DEVELOPMENT CRITERIA**

149-13. Site Development Plan.

- A. A site Development Plan shall be drawn to an appropriate scale, not less than one (1) inch equals fifty (50) feet, and shall show the following information:
 - (1) A small-scale location map delineating the project site and its relation to the surrounding area within a radius of three thousand (3,000) feet.
 - (2) Name or identifying title of the proposed project.

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- (3) Date and approximate true North.
- (4) Exact locations and dimensions or property lines and names of current abutters.
- (5) Location of all existing and proposed buildings and structures on the site.
- (6) Delineate existing zoning and special district boundaries.
- (7) Specify proposed finished floor elevations of buildings so to assure positive surface drainage and proper elevation relationship to adjacent property.
- (8) Existing and proposed grade contours (two-foot intervals) so to certify the adequate disposal of on-site water. Upon request, contours delineating existing surface shall be extended one hundred (100) feet beyond the limits of the project site and shall be related to the United States Geographical Survey, provided that the benchmarks exist within one-half (1/2) miles of the boundary of the projected site.
- (9) Location, dimension and material of all existing and proposed utilities and identify all on site waste disposal systems.
- (10) Location of test borings, groundwater elevation and soil profiles shall be provided upon request.
- (11) Parking layout that delineates the number of parking spaces and parking arrangement.
- (12) Delineate the arrangement, species and dimensions of all existing and proposed landscaping materials. Consideration shall include the preservation and supplementation of existing dominant vegetation and the screening of parking and service areas from the public view.
- (13) Where multi-family development is proposed, those areas supporting slopes in excess of 20%, the Federal floodway and floodplain, and the surface areas of waterbodies and wetlands shall be clearly depicted on the site plan and quantified.
- (14) Where Change in Use is being proposed, the following additional items are required:
 - (a) A table showing the expected amount of change in demand for parking, water and sewer use, and traffic.

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(b) A floor plan showing the proposed use and square footage in each use.

- (15) An architectural plan showing all sides of new buildings, as prepared by a registered engineer or architect, who shall sign the plan and place his/her seal upon it. The plan shall conform to the guidelines contained in Section 149-14L. [Added per Planning Board 05-25-99]

The information required by A(1) through A(7) of this section must be supplied. The site development plan may be modified to eliminate items outlined under Article II that are not subject to change or are impertinent to the proposed use, however the Planning Board or its staff may require that the information be supplied. In addition, the Planning Board may require the area and uses outside the building to be upgraded to meet existing standards.

149-14. Site Development Design Criteria. [Amended per Planning Board 05-25-99]

A. Drainage Requirements

- (1) A written engineering report describing the impacted watershed area, projected runoff and any projected downstream impacts shall be required upon request. Where it is determined by the City Engineer that the additional runoff incident to the development of the project site will overload an existing watercourse or downstream drainage facility, the Planning Board may require the provision of water-retarding facilities or other improvements to alleviate said problem.
- (2) A subject parcel situated within the federally designated flood hazard zone, as per Flood Hazard Boundary Map No. H-01-09, dated July 2, 1974, as amended, shall comply with all applicable federal regulations relating thereto.
- (3) No slope shall be created which results in a slope of more than two (2) feet horizontal to one (1) foot vertical, unless proper retaining walls are proposed.

B. Utilities

1. Water

- (a) Extensions to public water mains shall be at least twelve (12) inches in diameter. When projected development, the City's Master Plan or Capital Improvements Plan indicate that a larger water main is needed, the Planning Board may require a larger pipe.

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- (b) Extensions of public water mains shall cross the full frontage of the parcel for which development is proposed.
- (c) Extensions of water lines shall be designed to avoid dead end lines, where possible.
- (d) Extensions of and connections to the public water system shall be in accordance with Chapter 148, entitled Water System, of the Code of Dover.
- (e) Where an extension to the municipal water system is proposed, the following items must be specified:
 - (1) Rated normal capacity in gallons per minute at prime use time.
 - (2) Rated maximum capacity in gallons per minute at prime use time.
 - (3) Residual pressure of proposed tap line.

2. Sewer

- (a) Extensions of and connections to the Public Sewer System or private wastewater systems shall be in accordance with Chapter 147, entitled Sewers, of the Code of Dover.
- (b) Where sanitary discharge into the municipal sewer system is anticipated, projected additional peak hour sewer load volume must be specified.
- (c) Where nondomestic sanitary discharge is anticipated, such effluent shall comply with the rules and regulations of the Dover Sewer Ordinance.

3. Electric, Cable TV and Telephone

- (a) The installation of electric power, cable television and telephone lines shall be underground throughout the site for which development is proposed. Site plans shall show any easements for these services.

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C. Driveways, Accessways and Internal Roads

- (1) All driveways, accessways, internal roads, loading and service areas shall be graded, paved and improved with curbs, gutters, sidewalks and stormwater drainage facilities. The curbing along or at intersections with public street rights-of-way shall be granite.
- (2) Private driveways and internal roads shall be designed and constructed pursuant to the following criteria:

	0-4 RESIDENTIAL UNITS	5-24 RESIDENTIAL UNITS	OVER 25 RESIDENTIAL UNITS
RIGHT-OF-WAY	30 FEET	30 FEET	50 FEET
ROAD WIDTH	16 FEET	24 FEET	24-32 FEET*
BASE COURSE	12" BANK RUN GRAVEL	18" BANK RUN GRAVEL	18" BANK RUN GRAVEL
	4" CRUSHED GRAVEL	4" CRUSHED GRAVEL	6" CRUSHED GRAVEL
	2" ASPHALT TIGHT BINDER	2" ASPHALT TIGHT BINDER	2 ½ " ASPHALT TIGHT BINDER
	3' GRAVEL SHOULDER	3' GRAVEL SHOULDER	3' GRAVEL SHOULDER

*The width of the roadway shall be determined by the site's physical characteristics and the layout and density of the proposed development.

- (3) A road plan and profile shall be submitted with the site review application. Said plans shall be prepared by a professional engineer licensed to practice in the State of New Hampshire.

D. Parking.

- (1) Paved on-site parking shall be provided in accordance with the following requirements.
A parking plan shall be submitted that delineates the number of parking spaces and the parking arrangement. No on-street parking is permitted. Whenever a use existing on the effective date of this chapter is changed thereafter to a new use, parking facilities and access shall be provided as required herein for such new uses. The following parking standards represent minimum requirements and may be increased as part of the approval of a site development plan.

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- (a) One to four family dwelling: two (2) per each dwelling unit.
- (b) Multifamily dwelling: one and one-half (1-1/2) spaces for each one (1) bedroom unit and two (2) spaces for each 2+ bedroom unit.
- (c) Restaurants, excluding fast-food establishments: One (1) space per three (3) seats, plus one (1) per two (2) employees, or one (1) space per one hundred fifty (150) square feet of floor area used, whichever is greater; where there is a bar: one (1) space per two (2) stools.
- (d) Fast-food establishments: one (1) space per every two (2) seats, plus (1) seat per each employee in the maximum shifts, or one (1) space per fifty feet of gross floor area, plus one (1) space per each employee in the maximum floor shift.
- (e) Whole-sale distribution: one (1) space per eight hundred (800) square feet of grown floor space or one (1) space per employee in the maximum shift.
- (f) Manufacturing: one (1) space per each one and one-half (1-1/2) employees or one (1) space per five hundred (500) square feet of gross floor area.
- (g) Hotel, motel or tourist home: one (1) space for each sleeping room, plus one (1) space for each four hundred (400) square feet of public meeting room.
- (h) Office, general: one (1) space per three hundred twenty-five (325) square feet of gross floor area.
- (i) Office, professional or medical: one (1) space per two hundred fifty (250) square feet of gross floor space, or five (5) spaces per professional person keeping the office and one (1) per each staff member.
- (j) Retail I (service establishment, auto retail, real estate or laundry): one (1) space per three hundred (300) square feet of gross floor area.
- (k) Retail II (furniture, hardware or carpets): one (1) space per six hundred (600) square feet of gross floor area.
- (l) Retail III (food, retail): zoned (1) space for two hundred (200) square feet of net floor area.

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- (m) Retail IV (general, including drugs or clothing): one (1) space for two hundred and fifty (250) square feet of net floor area.
 - (n) Retail V (shopping center): one (1) space for every two hundred (200) square feet of gross leasable space.
 - (o) Community facility (city building or recreation): one (1) space for each four hundred (400) square feet of gross floor space.
 - (p) Hospital and nursing home: one (1) space per each two (2) beds at design capacity.
 - (q) Theater, auditorium or church: one (1) space for each four (4) seats of total seating capacity.
 - (r) Funeral home: eight (8) spaces for each chapel with a minimum total of ten (10) spaces.
 - (s) Gasoline service station: three (3) spaces for each service bay, plus one (1) space per employee in the maximum shift.
 - (t) Mixed use: sum of various uses computed separately.
 - (u) Elderly multifamily: one (1) space for every two (2) units.
 - (v) Rooming house: one and one-half (1-1/2) spaces per room so occupied.
 - (w) Other: closest similar use as shall be determined by the Director of Planning.
- (2) Notwithstanding the requirements established in D1 above, required parking spaces for the B-2, UMUD and CWD Zoning districts are as follows:
- (a) Construction of new floor spaces shall be accompanied by a number of parking spaces as required in D1 above.
 - (b) Conversions or changes of use that result in an increase in residential units shall require a number of parking spaces in accordance with D1 above.

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- (c) Parking spaces required in B-2, UMUD and CWD zoning districts may be located off-site up to 1000 feet. The spaces may be located in a municipal parking lot and leased from the City, or leased from a private landowner.

(3) Parking Lot Design Standards

- (a) Parking spaces shall comply with the following dimensions:

Angle degrees	Stall Width (feet)	Curb Length (feet)	Length of space (feet)	Isle Width* (feet)
90°	9	9	18	22
60°	9	10.4	21	20

*When garages are erected for meeting a developer's parking requirements, isle widths shall be increased to twenty-four (24) feet.

- (b) One-way accessways (internal roadway) shall be a minimum of twelve (12) feet wide, and two- way accessways shall be a minimum of twenty- four (24) feet in width, or as section 149-14C dictates.
- (c) Entrance islands shall support a curve radii illustrated in Sketch A.
- (d) Parking lots shall be designed so as to avoid vehicles backing into the street.
- (e) Parking lots and driveway entrances for non-residential uses shall be designed to prevent vehicles on the City street from queuing up while waiting to access the site. The Planning Board may require that the applicant hire a traffic consultant to prepare a traffic impact study to determine if the development proposal will generate traffic volumes that require traffic control measures such as deceleration or acceleration lanes, adequate turning radii for driveways, or driveways designed with adequate entrance depth.

E. Outdoor Lighting

1. General Requirements

- (a) When the installation or replacement of outdoor lighting is part of a development proposal for which site review approval is required under these regulations, the Planning Board shall review and approve the lighting installation as part of its site review approval.
- (b) The applicant shall submit sufficient information, in the form of an overall outdoor lighting plan, to enable the Planning Board to determine that the applicable provisions will be satisfied. The lighting plan shall include the following:
 - (1) A site plan, drawn to scale, showing buildings, landscaping, parking areas, and all proposed outdoor lighting fixtures.
 - (2) A photometric report that includes a numerical grid of lighting levels the fixtures will produce on the ground, measured in foot-candles.
 - (3) Specifications for all proposed light fixtures, including the type of lamp and the wattage of each lamp.
 - (4) Proposed mounting height of all outdoor lighting fixtures.
 - (5) Analyses showing that the proposed installation conforms to the lighting level standards in this section.
- (c) Principal buildings in commercial or industrial uses shall be lighted on all sides for security.
- (d) Wiring for outdoor lighting shall be placed underground.
- (e) All outdoor light fixtures shall be designed, oriented or shielded to prevent light or glare onto adjacent property or streets.
- (f) Holiday lighting during the months of November, December, and January shall be exempt from the provisions of this regulation, provided that such lighting does not create dangerous glare on adjacent streets or properties.
- (g) All light fixtures lawfully in place prior to the date of this amendment shall be grandfathered. However, any light fixture that replaces a grandfathered light fixture, or any grandfathered light fixture that is moved, must meet the standards of this regulation.

2. Parking Lot Lighting

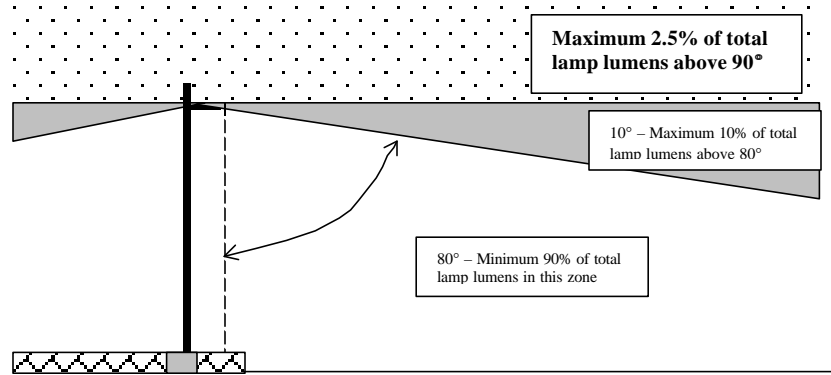
Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and safety in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

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- (a) All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA) and illustrated below.



Cut-off fixture as defined by IESNA

- (b) Parking area lighting standards are as shown in the Table below.

PARKING LOT LIGHTING STANDARDS

	Zoning Districts – B-3, B-4, B-5, I-1, I-2, I-4, and ETP	Zoning Districts – O, B-1, B-2, UMUD, and CWD	Zoning Districts – RM-6, RM-8, RM-10, RM-12, and RM-20
Mounting Height (Maximum)*	25 feet	20 feet	20 feet
Minimum Illumination Level (at darkest spot of the parking lot)	No less than 0.3 foot-candles No more than 0.5 foot-candles	No less than 0.2 foot-candles No more than 0.4 foot-candles	No less than 0.2 foot-candles No more than 0.3 foot-candles
Uniformity Ratio **	6:1	5:1	4:1

* Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

** Uniformity ratio is the ratio of average illumination to minimum illumination.

- (c) The Planning Board may permit an alternative to the cut-off fixtures required above if a lighting fixture of a particular “period” or architectural style would be more compatible to the design of the area. Such alternative fixtures shall have a mounting height of not more than fifteen (15) feet.

3. Lighting of Gasoline Station/Convenience Store Aprons and Canopies

Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations.

Lighting of such areas shall not be used to attract attention to the businesses.

- (a) Areas directly under the canopy and within five feet of the canopy footprint shall be illuminated so that the minimum illuminance at grade level is between 1.0 and 5.5 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 foot-candles.
- (b) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
- (c) Lights shall not be mounted on the top or sides of the canopy, and the sides of the canopy shall not be illuminated.
- (d) Areas of the parking lot that are not within five feet of the canopy footprint shall be illuminated in accordance with the requirements for parking areas set forth in Section 2 above. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.”

F. Fire Hazards

- (1) The designation of fire lanes, and the storage of explosives, flammable liquids, liquefied petroleum gas or similar materials shall be in accordance with Chapter 109, entitled Fire Prevention, Safety, of the Code of the City of Dover.

G. Landscaping

In order to separate parking areas from abutting streets, to provide areas for snow disposal, to break up expanses of vehicles and pavement, to provide summer shade on pavement areas, and to provide general beautification of parking facilities the following landscaping standards are required for non-residential development:

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1. Interior Landscaping

- (a) In addition to the perimeter landscaping required in Section 149-15 C, landscaping requirements for the interior of parking lots is as follows:

MINIMUM INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS	
Number of Parking Spaces in Lot	Minimum Percent of Interior Landscaping
20 or fewer spaces	Not required
21 to 125 spaces	5 percent
126 to 375 spaces	8 percent
Greater than 375 spaces	10 percent

- (b) Parking lots which have more than two aisles, which are approximately parallel, shall be required to have continuous landscaped planting strips separating every four rows of parking. The landscaped planting strips shall be a minimum of six feet in width and shall be separated from the parking area by adequate curbing. Within the landscaped planting strips, deciduous shade trees shall be planted at forty (40) feet on center. Trees shall be species tolerant to the climatic conditions of Dover and shall be a minimum caliper of 2.5 inches (measured at four feet above grade level). Within the landscaped planting strips, shrubs shall be planted between the deciduous trees at five feet on center. The shrubs shall be a mix of deciduous and evergreen species, tolerant to the climatic conditions of Dover and shall be a minimum height of two feet at the time of planting. All trees, shrubs and landscaping materials shall be maintained in good condition so as to present a healthy, neat, and orderly appearance.
- (c) Islands at the end of a row of parking spaces are encouraged to protect parked vehicles, increase safety in parking lots, and provide space for landscaping. The minimum size for landscaped islands shall be two hundred fifty square feet (250') in total area. Adequate curbing is required for landscaping islands.

2. Perimeter Landscaping

- (a) Along the perimeter of parking lots with ten or more spaces, deciduous shade trees shall be planted at forty (40) feet on center within the buffer area required by Section 149-15 C. Trees shall be species tolerant to the climatic conditions of Dover and shall be a minimum caliper of 2.5 inches (measured at four feet above grade level). Within the perimeter buffer, shrubs shall be planted between the deciduous trees at five feet on center. The shrubs shall be a mix of deciduous and evergreen species, tolerant to the climatic conditions of Dover and shall be a minimum height of two feet at the time of planting. All trees, shrubs and landscaping materials shall be maintained in good condition so as to present a healthy, neat, and orderly appearance.

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- (b) At the discretion of the Planning Board, alternative methods of perimeter screening may be permitted if the applicant can demonstrate that an adequate screening of the parking lot is achieved. Additional screening methods that are encouraged include earthen berms planted with grass and shrubs, fencing, and low walls.

3. Other Landscaping

- (a) Whenever possible, existing trees and shrubs shall be preserved and used to satisfy the minimum landscaping requirements of this section.
- (b) Loading docks, dumpsters, generators, ground-level mechanical units and other similar devices shall be adequately screened so as not to be visible from the public road or adjacent parcels.”

H. Driveway Location and Spacing Standards for Non-Residential Uses in the B-3, B-4, B-5, I-2, and I-4 Districts.

(1) To reduce the number of conflict points for vehicles, reduce traffic congestion, and improve traffic safety along non-residential corridors, the following minimum standards are set forth for driveway location and spacing in the B-3, B-4, B-5, I-2, and I-4 Districts:

	VARIABLES	ARTERIAL ROADS	COLLECTOR ROADS	LOCAL ROADS
Number of Driveways Per Lot	--	One driveway per 400 feet of road frontage, or fraction thereof	One driveway per 200 feet of road frontage, or fraction thereof	One driveway per 125 feet of road frontage, or fraction thereof
Minimum driveway spacing from public street intersections	<u>Posted Speed Limit</u>			
	35 mph	310 feet	230 feet	155 feet
	40 mph	380 feet	280 feet	190 feet
	45 mph	470 feet	350 feet	230 feet
Minimum spacing between driveways	<u>Posted Speed Limit</u>			
	50 mph	560 feet	420 feet	275 feet
	35 mph	230 feet	185 feet	155 feet
	40 mph	280 feet	220 feet	190 feet
	45 mph	350 feet	260 feet	230 feet
	50 mph	420 feet	300 feet	275 feet

Spacing between public street intersections and driveways are measured from the point of tangency of the intersecting street right-of-way to the nearest edge of the driveway where it intersects with the right-of-way line. Spacing between driveways are measured from the nearest edge of each driveway where intersecting with the street right-of-way. Existing driveways that do not meet the above standards may be retained, but the elimination of unnecessary access points is strongly encouraged. Notwithstanding the above standards, any lot of record shall be entitled to a minimum of one driveway.

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(2) In recognition of the unique circumstances of some parcels of land, the Planning Board shall be permitted to vary the standards set forth in subsection H (1) above. The Planning Board may approve projects that do not conform strictly to the access standards above, provided that a finding is made by the Planning Board that safe and adequate access can be achieved. Any deviation from the standards in subsection H (1) above can only be considered after first receiving a written recommendation from the City Engineer.”

I. Incentives for Reducing the Number of Driveways in the B-3, B-4, B-5, I-2, and I-4 Districts.

(1) In addition to limiting the number and location of driveways, the City of Dover encourages shared driveways for adjacent parcels, the elimination of existing driveways, and the construction of fewer driveways than permitted in Section 149-14 H. By limiting access points, the number of points where turning vehicles and through vehicles conflict is reduced. To provide incentives for shared driveways in the B-3, B-4, B-5, I-2 and I-4 Districts, an incentive system has been developed.

(2) An applicant may increase the maximum lot coverage permitted in the Table of Dimensional Regulations referenced in Chapter 170-16 of the Zoning Ordinance for the B-3, B-4, B-5, I-2 and I-4 Districts by electing to use one or more of the provisions listed below. The Planning Board shall decide if the applicant complies with the provisions of the incentive system. An applicant may utilize one or more of the following voluntary provisions:

- i. Provide shared driveway to be the sole access to the subject parcel and one or more adjacent parcels. To qualify for this incentive, the applicant shall provide appropriate easements to insure that the shared driveway will remain in existence and will be adequately maintained.
- ii. For parcels with existing driveways, reduce either the number of separate driveways or the total width of the existing driveways (as measured at the right-of-way line) by at least fifty percent (50%), or reduce the number of driveways to one driveway of not more than thirty-two feet (32') in width.
- iii. Reduce the total number of driveways permitted, or increase the spacing between driveways by twenty-five (25) percent over the standards set in Section 149-14 H-1 herein, or increase the spacing between driveways and public street intersections by twenty-five (25) percent over the standards set in Section 149-14 H-1 herein.

- (3) If the Planning Board finds that an applicant has complied with one or more of the voluntary provisions, the following incentives shall be granted. For each of the provisions achieved, the Planning Board shall permit an additional five (5) percent of lot coverage (building footprint) above the maximum permitted in the Table of Dimensional Regulations referenced in Chapter 170-16 of the Zoning Ordinance (e.g.; the maximum lot coverage (building footprint) in the I-4 District could be increased from 33 percent to 38 percent if one provision was achieved).”

J. Interconnections Between Parcels

- (1) In order to reduce the number of vehicles entering and exiting arterial and collector roads, the provision of interconnecting driveways is required whenever feasible. These interconnecting driveways or service roads are provided to allow customers and employees to move from site to site without repeatedly using City streets.
- (2) In the B-3, B-4, B-5, I-2 and I-4 Districts, an applicant shall integrate an interconnecting driveway into the overall traffic and pedestrian circulation of the subject site. Interconnecting driveways shall be provided to access abutting parcels. If an adjacent parcel(s) is vacant, the applicant shall grant an easement for future access. The easements shall be written to insure that the interconnection(s) will remain open and will be adequately maintained. The cross connections shall be located to encourage internal traffic between abutting properties and shall be adequately marked with directional signs.
- (3) In recognition of the unique circumstances of some parcels of land, the Planning Board shall be permitted to vary the standards set forth in subsection J (2) above. The Planning Board may approve projects that do not conform strictly to the interconnection standards above, provided that a finding is made by the Planning Board that the unique circumstances of the parcel make compliance unreasonable. Any deviation from the standards in subsection J (2) above can only be considered after first receiving a written recommendation from the City Engineer.”

K. Location of Parking Lots

- (1) Buildings should be sited closer to the street and parking areas should be located on the side or rear of lots in an effort to reduce the visual dominance of parking areas, improve pedestrian safety in parking lots, and increase the visibility of businesses to drivers. The following standards are required:

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- (a) For parcels in the B-4 District with frontage and driveway access on an arterial or collector road, where the parking requirements are one hundred (100) spaces or greater, a minimum of fifty (50) percent of the parking spaces shall be located to the side or rear of the building (i.e.; no closer to the front lot line than the building).
 - (b) For parcels in all other non-residential districts (other than B-4) and for parcels in the B-4 District where the parking requirements are less than one hundred (100) spaces, the requirements for parking lot location in Section K (1)(a) are optional. However, if an applicant voluntarily complies with the standards of Section K (1)(a), the applicant shall be entitled to a twenty-five (25) percent reduction in the amount of landscaping for the interior of the parking lot required in Section 149-14 G-1a.
- (2) In recognition of the unique circumstances of some parcels of land, the Planning Board shall be permitted to vary the standards set forth in subsection K (1) (a) above. The Planning Board may approve projects that do not conform strictly to the parking lot location standards above, provided that a finding is made by the Planning Board that the unique circumstances of the parcel make compliance unreasonable.

L. Architectural Design Guidelines

The City of Dover wishes to promote its existing architectural character within the downtown area, as well as encourage building development throughout the entire city compatible with its New England character. An attractive commercial environment is important to the economic success of Dover. The Planning Board in reviewing the proposed architectural plans shall insure reasonable compatibility of design, materials and colors with adjacent buildings and the surrounding neighborhood. New building designs should strive to meet the following guidelines:

- 1) Scale, proportion, height and area of a building;
- 2) Type, shape, and pitch of roof;
- 3) Size and spacing of windows, doors and other openings;
- 4) Exterior materials and colors;
- 5) Styling of front façade;
- 6) Architectural details and features.”

149-14.1 Design Standards for Development in the Executive and Technology Park (ETP) District.

A. Purpose

These design standards are adopted to regulate development within the Executive and Technology Park (ETP) District, which provides an area for large-scale high technology, research, professional office and clean manufacturing uses needing large sites and high aesthetic standards. The design standards are intended to:

- (1) Establish and maintain high aesthetic standards in the ETP District.
- (2) Preserve the District's natural resources and visual character by assuring that improvements are properly related to their sites and to neighboring developments.
- (3) Encourage good design and innovation in site planning and development, including architecture, landscaping, and graphic design.
- (4) Encourage the compatible and complementary development of each site in the District.
- (5) Minimize conflicts between residential and non-residential uses.

B. Building Siting and Design

The general character of the ETP District is intended to be a campus or park-like setting, with emphasis on the natural characteristics of the site. The site design should create a sense of entry into the site and into the businesses within the site through landscaping, façade treatment, and signage. The architectural character of each building shall be of contemporary design and style. The design should integrate the building's form, textures and colors with the particular landscape and topographical character of each site. Specific requirements are as follows:

- (1) All exterior building walls and structures shall be constructed with attractive, durable materials such as textured concrete, masonry, stone, brick, clapboard, finishing wood, stucco or glass.
- (2) Buildings with exterior walls made of metal or corrugated steel shall not be permitted.
- (3) Building roofs shall be uncluttered and when flat roofs are visible from public roads, pitched roofs or parapets are required.

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- (4) Rooftop and ground-mounted mechanical units and ventilating fans are to either be integrated into the design of the building or screened from view.
- (5) All exterior service, loading, storage and utility areas shall be located at the side or rear of the building and screened or sheltered so as not to be visible from the public road or adjacent parcels.

C. Parking Areas and Pedestrian Circulation

- (1) Parking areas shall be screened from public streets and existing residential uses so as to minimize the visibility of such areas.
- (2) A majority of the parking spaces shall be located to the side or rear of the buildings.
- (3) All sites shall be designed so as to promote safe pedestrian access, not only within the development, but to adjacent properties and public streets.

D. Landscaping

- (1) A landscaping plan shall be submitted as part of the development application. The landscaping plan shall depict a scheme that creates a park-like setting. Maintenance of existing vegetation should be incorporated in the landscaping plan when appropriate.
- (2) Existing trees of significant size or special character should be preserved wherever possible.
- (3) All trees should be planted in a permeable area of no less than a three (3) foot wide radius from the base of the tree.
- (4) Planting islands should be used to define vehicular and pedestrian circulation patterns and to break up large expanses of pavement. A combination of end cap islands and linear islands running parallel to parking rows are preferred. Islands should be planted with either grass or evergreen shrubs and include trees.
- (5) Landscaping should be maintained to present a healthy appearance and dead materials should be replaced.

E. Exterior Lighting

Exterior lighting shall be low profile. High-intensity directional lighting shall be prohibited. Lighting shall be designed and oriented so as to avoid glare onto adjacent property or streets.

149-15. Physical Arrangements.

- A. All service, storage and utility areas shall be designed to the side or rear yard of a proposed building(s), and such areas shall be appropriately screened/buffered by walls, fences, earth berm and/or vegetation.
- B. Utility elements situated on the roof of a proposed building(s) shall be adequately screened and baffled upon request.
- C. All paving and/or storage shall not be permitted within five (5) feet of any side or rear property line, and no parking or paving, except for entrances/exits, shall be permitted within ten (10) feet of any front property line. These spaces shall be maintained as landscaped area.
- D. Pedestrian walkways, entrances and exits designed for use by the handicapped shall be required upon request.
- E. Loading facilities shall be designed to the rear or side of all proposed buildings. Loading facilities shall be designed in accordance with the rules and regulations of the Zoning Ordinance and shall be off- street or accessible via a public alley.
- F. All parking, loading and protective buffers shall be situated on the same parcel (same ownership) as the primary use structure(s).

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**ARTICLE V
REVIEW FEES**

149-16. Schedule of fees. [Amended per Planning Board 04-23-91, amended 11-15-91]

- A. The Planning board shall levy a fee of seventy five (75) dollars per dwelling unit resulting from new additions, and changes of use.
- B. The Planning Board shall levy a fee of thirty-five (35) dollars per lodging unit for motel/hotel development.
- C. The Planning Board shall levy a review fee of fifteen (\$.15) cents per square foot of floor space for all new non-residential construction. The Planning Board shall levy a review fee of ten (\$.10) cents per square foot of floor space for additions to existing non-residential structures. A levy of ten (\$.10) cents per square foot of existing floor space shall be placed on any applicant requesting a change of use. Said fees shall not exceed ten-thousand dollars for new non-residential construction, nor five-thousand (\$5,000) dollars for additions to existing non-residential structures or changes of use. **[Amended per Planning Board 02-26-96]**
- D. The Planning Board shall levy a fee of one-hundred (\$100) dollars for applicants requiring only a Conditional Use Permit.
- E. The Planning Board shall levy a fee of thirty (\$30) dollars per hour for the review of applications for time extensions to approved site plans to cover staff time.
- F. In addition to the application fees outlined in section A thru E, the Planning Board shall levy a twenty five (\$25) dollar advertisement fee for each application and shall require a fee of two dollars and fifty cents (\$2.50) for each abutter to cover postage costs.

149-17. Inspection fees.

The fee levied shall be the actual cost per hour of the individual(s) making the inspection of improvements as required in Section 149-12. The City shall be remunerated for equipment usage necessary for conducting said inspections.

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**ARTICLE VI
ADMINISTRATION**

149-18. Enforcement; failure to comply with order; violations and penalty.

If, within one (1) year after an occupancy permit, temporary or permanent, has been issued and the building or buildings are occupied and/or used, the Planning Board finds that any of the conditions of an approved final site review application are in violation, the Planning Board shall order the owner to make such corrections as it deems necessary to bring the use and operation into 2 with the provisions of such approval. Such order shall be complied with within a period of time extending not more than sixty (60) days from the original notice. Where the owner fails to conform with the notice of the Planning Board, a fine not to exceed one hundred dollars (\$100.) per day may be levied against said owner.

149-19. Variances and waivers.

When, in the judgement of the Planning Board, the public convenience and welfare of the citizens of Dover will be substantially served, the Board may take any action it deems necessary to modify the requirements of this chapter.

**ARTICLE VII
WORDS AND PHRASES**

149-20. Word usage.

Words used in the present tense shall indicate the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory; the word "may" is permissive.

149-21. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTER - The owner of record of a parcel of land situated within two hundred (200) feet of a proposed site.

ACCESSWAY - The roadway configuration within a site.

APPLICANT - Any person, agent, firm, association, partnership or corporation that makes application to the Planning Board for the nonresidential development of a site, pursuant to the rules and regulations of this chapter.

BOARD - The Planning Board of the City of Dover.

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CERTIFICATE OF OCCUPANCY - A statement signed by the Building Inspector setting forth that a building or structure complies with this chapter, the Zoning Ordinance and other relevant codes and regulations of the city and with the applicant's plan as approved.

CHANGE IN USE - A change in use shall consist of replacing a conforming or legal non-conforming use contained entirely within an existing building with a new use which is allowed in the zoning district in which the tract or structure is located.

DATE OF OFFICIAL SUBMITTAL - An application shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the appropriate procedure and the receipt of a written memorandum from the Planning Director certifying said application's technical review.

DEVELOPED - All new structures as well as additions, including the conversion of structures to multifamily (five (5) units or more) residential dwellings.

ESCROW AGREEMENT - A conditional delivery of money by a developer to a bank to be held until such time as the conditions of a final site approval have been satisfactorily complied with.

FOOT-CANDLE – A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. **[Added per Planning Board 05-25-99]**

ILLUMINANCE – The amount of light falling on a surface – measured in foot-candles. **[Added per Planning Board 05-25-99]**

LUMEN – A unit of measurement for the amount of light cast by a lamp. One foot-candle is one lumen per square foot. **[Added per Planning Board 05-25-99]**

NONRESIDENTIAL - Included land uses of a commercial and industrial nature as well as commercial residential uses, exempting however, the construction or conversion of single- family and multi-family (up to four (4) units per parcel) residential dwellings.

PERFORMANCE BOND - Any security which may be accepted in lieu of a requirement that certain improvements be made as a condition of Planning Board site approval.

SITE DESIGN CRITERIA - Design and performance standards required under the provisions of 149-14.

SITE DEVELOPMENT PLAN - A professionally rendered drawing which delineates the proposed development of a site, prepared as required under the provisions of 149-13.

USE - The manner in which a parcel of land or the structures on that parcel are employed. Uses are categorized by the Dover Zoning Ordinance as follows: Residential Low Density (less than 5DU); Residential Multi-Family (more than 4DU); Agricultural/Silvacultural; Office; Business; Industrial; and Community/Public Use.